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Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea

Note verbale dated 22 November 2006 from the Permanent Mission of Argentina to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Argentine Republic to the United Nations presents its compliments to the Office of the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to enclose the report of the Argentine Republic on the steps it has taken with a view to implementing effectively the sanctions imposed against the Democratic People's Republic of Korea, in accordance with the request contained in paragraph 11 of Security Council resolution 1718 (2006) (see annex).

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Annex to the note verbale dated 22 November 2006 from the Permanent Mission of Argentina to the United Nations addressed to the Chairman of the Committee

Report of the Argentine Republic submitted pursuant to paragraph 11 of Security Council resolution 1718 (2006)

The Argentine Republic has the honour to inform the United Nations Security Council of the steps it has taken with a view to implementing effectively the provisions of paragraph 8 of resolution 1718 (2006) of 14 October 2006.

As a member of the United Nations, Argentina accepts and complies with decisions taken by the Security Council, whose resolutions are, pursuant to Article 25 of the Charter, binding. It should be pointed out that, in accordance with article 31 of the National Constitution, treaties concluded by the Argentine Republic constitute the supreme law of the land, and that, in accordance with article 75, paragraph 22, of the aforementioned constitution, treaties take precedence over domestic laws. In this connection, Security Council provisions involving coercive measures are directly applicable within the territory of the Argentine Republic, although to be enforceable they must be promulgated by means of their publication in the Official Gazette. This requirement is set out in article 3 of Act No. 24,080, which provides that international treaties and agreements creating obligations for natural and juridical persons other than the State are binding only after their publication in the Official Gazette, in accordance with article 2 of the Argentine Civil Code, which provides that laws become binding only after their publication.

At the domestic level, and following the adoption of Decree No. 1521 of 1 November 2004, a decision of the Ministry of Foreign Affairs, International Trade and Worship is required to promulgate measures adopted by the United Nations Security Council. In that connection, the aforementioned Decree stipulates that Security Council resolutions adopted under Chapter VII of the Charter of the United Nations which establish binding measures for Member States that do not involve the use of armed force but entail sanctions, as well as decisions regarding the amendment or termination of those sanctions, must be promulgated by the Ministry of Foreign Affairs, International Trade and Worship, by means of a decision published in the Official Gazette. Similarly, the Decree states that when the Security Council or its subsidiary organs identify persons or entities subject to sanctions, the Ministry of Foreign Affairs shall promulgate and update the corresponding lists by means of decisions published in the Official Gazette.

In that connection, the draft ministerial decision promulgating the measures taken against the Democratic People's Republic of Korea is currently awaiting the signature of the Minister for Foreign Affairs and is being transmitted to all the competent departments of the Ministry of Foreign Affairs which, in turn, will disseminate its content to the relevant State agencies.

Paragraph 8, subparagraphs (a), (b), (c) and (e)

In order to give effect to the provisions of paragraph 8 of Security Council resolution 1718 (2006), a note has been sent to the National Commission for the Control of Sensitive Exports and Military Material with a view to ensuring that appropriate measures are taken to deny the materials listed in documents

S/2006/814, S/2006/815 and S/2006/853, which have been approved by Member States.

Likewise, and to the same end, a note has also been sent to the General Customs Administration.

In addition to the aforementioned steps, the National Arms Registry (RENAR) has been notified of the sanctions deriving from resolution 1718 (2006) and, with regard to the export of controlled materials and explosives falling within the sphere of its competence, has been requested to deny all applications for exports to the Democratic People's Republic of Korea.

With regard to paragraph 8, subparagraph (e), notes have been sent to the Atomic Energy Commission, the National Space Activities Commission and the Scientific and Technical Research Institute of the Armed Forces informing them of the measures set out in resolution 1718 (2006).

Paragraph 8, subparagraph (d)

With regard to the obligation of all States to freeze immediately the funds, other financial assets and economic resources which are on their territories at the date of the adoption of resolution 1718 (2006) or at any time thereafter that are owned by the persons or entities designated by the Committee, the Central Bank of the Argentine Republic is responsible, at the domestic level, for implementing the measures needed to give effect to that sanction. In that connection, pursuant to the rules and regulations of the Central Bank, Argentine financial and exchange entities must comply with the provisions of Security Council resolutions, even though such resolutions are directly applicable in Argentine territory from the moment of their adoption.

Accordingly, Communication "A" 4273 of the Central Bank of the Argentine Republic stipulated that "financial and exchange entities shall, in line with the decrees issued by the Executive Branch concerning the resolutions adopted by the United Nations Security Council in the context of the fight against terrorism, give effect to the decisions (and their respective annexes) of the Ministry of Foreign Affairs, International Trade and Worship, as soon as they are officially published. When, in implementation of the foregoing, funds and other assets belonging to any of the persons or entities subject to Security Council sanctions whose names have been disseminated by the Ministry of Foreign Affairs, International Trade and Worship must be blocked, the entities concerned shall immediately notify the Federal criminal and correctional court on duty and surrender to it the funds and assets in question, provided that the aforementioned international organization has not expressly stipulated otherwise.

Similarly, financial and exchange entities shall, by means of a note addressed to the Head Office for the Analysis and Monitoring of Special Transactions of the Superintendency of Financial and Exchange Entities, provide information as to whether financial assets have been deposited, and transactions of any other type (including bank drafts and transfers) have been carried out or attempted, by account holders who are referred to in the decisions of the Ministry of Foreign Affairs, including transactions of which those persons or entities are the beneficiaries, as well as transactions carried out by persons and entities acting on behalf of or on the instructions of the aforementioned persons and entities, including transactions

involving funds obtained or derived from assets owned or controlled, directly or indirectly, by those persons or persons or entities associated with them. That information shall be provided within two working days of the publication mentioned in the preceding paragraph or as soon as the desire of any of the persons appearing on the lists drawn up by the United Nations Security Council to carry out any kind of transaction becomes apparent. Once the case has been referred to the Federal criminal and correctional court on duty, the particulars of the associated complaint shall be included in the information transmitted to the Head Office for the Monitoring of Special Transactions.

In addition to the foregoing, Communication "A" 4425 of the Central Bank of the Argentine Republic provided that financial and exchange entities must take account of the information contained in the lists established pursuant to Security Council resolutions, which may be accessed via their respective websites. The Communication includes the addresses of the latter and relevant recommendations.

Paragraph 8, subparagraph (e)

With regard to the adoption of the necessary steps to prevent the entry into or transit through Argentine territory of the persons designated by the Committee or by the Security Council, the Ministry of Foreign Affairs, once the relevant list has been drawn up and in accordance with the provisions of Decree No. 1521, will prepare a corresponding ministerial decision promulgating the list, in order to allow for the adoption of the necessary measures to prevent those persons from entering the Republic.

It should be pointed out that, once the ministerial decision promulgating the list of persons subject to sanctions has been signed, it will be disseminated to consular offices by telegram until such time as those offices are included in the link to the updated consular manual No. 9, which is accessible via the Internet and lists persons prohibited from entering the Republic. At the same time, consulates will be instructed to deny visas to the listed individuals.

Information relating to the lists drawn up by the Committee or the Security Council will also be transmitted to the Department of Immigration.